

HOUSE BILL 2713  
By West

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 55, Part 2, relative to the brain trauma registry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-55-203, is amended by deleting the section in its entirety and by substituting instead the following:

Brain Trauma Registry. (a) The commissioner shall establish and maintain a central registry of persons who sustain traumatic brain injury. The purpose of the registry is to:

(1) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs; and

(2) ensure the provision to persons with traumatic brain injury of information regarding appropriate public or private agencies that provide rehabilitation services so that injured persons may obtain needed services to alleviate injuries and avoid related secondary problems.

(b) To further the purpose of this section, the commissioner shall have the following powers and duties:

(1) to collect injury incidence information, analyze the information, and conduct special studies regarding the causes and consequences of traumatic brain injury;

(2) to promulgate rules and regulations to administer the registry and its activities;

(3) to study the information and to make an annual statistical report of the patient identifying information; and

(4) to collect and disseminate at no cost to the public a list of public and private agencies which provide services to persons with traumatic brain injury.

SECTION 2. Tennessee Code Annotated, Section 68-55-204, is amended by deleting the section in its entirety and by substituting instead the following:

Duty to Report. (a) The commissioner shall design and establish a reporting system which shall require the treating hospital, medical facility, and/or physician to report to the department within a reasonable period of time after the identification by those entities of a person with traumatic brain injury. The consent of the injured person shall not be required.

(b) The required report must be submitted on forms provided by the department and must include the following information:

(1) the name, age, and residence of the injured person;

(2) the date and cause of the injury;

(3) the initial diagnosis; and

(4) such other information as may be deemed appropriate by the commissioner to fulfill the purposes of this section.

(c) The furnishing of the required information shall not subject the person or facility providing the information to any liability or any action for damages or relief, provided that the person or facility acted in good faith.

(d) The information provided pursuant to this section shall be used only for the purposes stated herein and shall only be used in accordance with the rules promulgated by the commissioner and, in all other instances, shall be confidential.

(e) A person or facility subject to the provisions of this chapter who intentionally fails to comply with reporting or confidentiality and disclosure requirements of this chapter is subject to a civil penalty of not more than one hundred dollars (\$100) for a first violation and not more than five thousand dollars (\$5,000) for a second or subsequent violation.

SECTION 3. Tennessee Code Annotated, Section 68-55-206, is amended by deleting the section in its entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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